



2 INCOME/CATEGORICAL ELIGIBILITY

Effective: 12/1/95

2.4 Instream Migrants

Revised: 1/15/05

POLICY: Any determination that a migrant has met the income standard, either in the migrant's home base area before the migrant has entered Wisconsin, or in Wisconsin during the agricultural season, shall satisfy the income criteria for the instream migrant during that agricultural season.

NOTE: A "migrant farmworker" is an individual whose principal employment is in agriculture on a seasonal basis, who establishes, for the purposes of employment, a temporary residence. Family members of this individual are also considered and coded as migrants. Agriculture refers to the production, growing, and harvesting of any commodity grown in or on the land.

PROCEDURE:

A. INCOME ELIGIBILITY DOES NOT HAVE TO BE DETERMINED

Income eligibility does not have to be determined again for instream migrants during that agricultural season, even if their Verification of Certification (VOC) card has expired, provided that the income of the instream migrant family is determined at least once every 12 months. This must be documented in the Identification Folder and the back of the Risk Factor/Flow Sheet or on forms developed by the local project.

B. INCOME ELIGIBILITY MUST BE DETERMINED FOR:

1. Migrants with an expired VOC card from a previous agricultural season
2. Migrants with an expired VOC card who are not instream (i.e., permanent address is in Wisconsin). They now stay in Wisconsin throughout the year and do not perform the work of a seasonal migrant worker. They may have obtained another job in Wisconsin that is not agricultural.
3. Migrants who do not have a VOC card. Neither standard deductions nor hardship deductions can be used when calculating a family's income. See Policy 2.3 for information about the No Proof Statement Form.

C. LOGGERS AS MIGRANT FARMWORKERS

A logger may be considered a migrant farm worker if he/she has been principally employed in this activity on a seasonal basis within the last 24 months and for the purposes of employment, establishes a temporary abode. Both of these conditions must be met to be determined a migrant farm worker. The harvesting of trees meets the definition of agriculture.



D. DETERMINING MIGRANT STATUS

1. At certification, if a participant is currently coded as a migrant and plans to return to be a migrant, perhaps to work in seasonal agricultural work in another state, or is unsure, code as a migrant.
2. If the participant doesn't plan to return to be a migrant worker or perform agricultural work and plans to stay in a non-agricultural job, do not code as a migrant.
3. If unemployed, the participant may continue to be coded as migrant until the employment is definite. Reassess at the next certification.